

September 21, 2011

*Via Overnight Mail*

Office of Enforcement, Compliance, and Environmental Justice  
U.S Environmental Protection Agency Region VIII  
1595 Wynkoop Street  
Mail Code 8ENF-AT  
Denver, CO 80202-1129

Re: First Phase Response to August 17, 2011 Section 114 Request Regarding  
Intermountain Power Project Plant

Attention - Joshua Rickard:

This letter and the enclosed information constitutes Intermountain Power Agency's ("IPA") and Intermountain Power Service Corporation's ("IPSC"), collectively referred to herein as "IPA/IPSC," First Phase Response to the Request for Information Pursuant to Section 114(a) of the Clean Air Act ("114 Request") from the U.S. Environmental Protection Agency ("EPA") dated August 17, 2011 and received by IPA/IPSC on August 22, 2011. As requested by EPA, IPA and IPSC are coordinating and cooperating together to provide a unitary response to the 114 Request. However, IPA and IPSC are different entities with different purposes, management, personnel, records, and information systems. Therefore, the signers of this letter and the related certifications can only provide information and certification for their respective entities.

As IPA/IPSC previously advised in correspondence and conversations with Mr. Rochlin, it is impossible for IPA/IPSC to respond to all of the items identified in the 114 Request by EPA's proposed deadlines. Nonetheless, IPA/IPSC is taking reasonable steps to respond to the 114 Request as quickly as possible. The First Phase of our response consists of the responses to Question Nos. 1 through 5, 7 through 14, 16, 19 through 22 and 24 in the 114 Request, which are submitted under cover of this letter. The Second Phase consists of responses to the remaining Question Nos. 6, 15, 17, 18 and 23 in the 114 Request, which are due October 21, 2011, as described in correspondence and conversations with Mr. Rochlin.

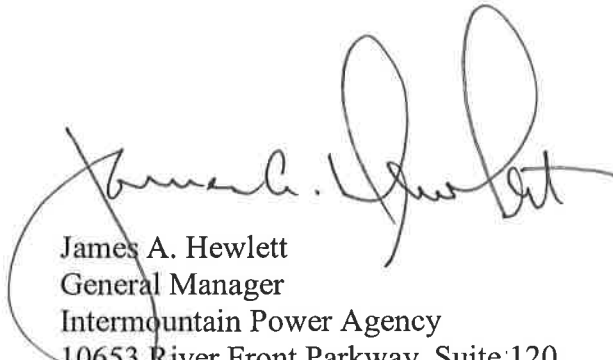
IPA/IPSC's general and specific objections to the 114 Request are attached as Exhibit 1. The First Phase responses to the 114 Request are also attached to this letter As Exhibit 2. While IPA/IPSC has submitted the information requested in the 114 Request as a demonstration of its intent to cooperate reasonably with EPA, IPA/IPSC does not waive and specifically reserves, its right to object at any other time or in any other forum or proceeding to the 114 Request or any question in the 114 request.

Although IPA/IPSC has concerns about the scope and legal basis of the 114 Request, IPA/IPSC has and will continue to take reasonable and good faith effort to respond to the extent required by the law and applicable regulations. As has been done in exhibit 1 to this letter, IPA/IPSC will preserve its objections to the 114 Request in each phase of its response. Moreover, IPA/IPSC's First Phase Response cannot be held as waiver of any defense to any subsequent action by the EPA. In addition IPA/IPSC retains the right to ask for costs from EPA for responding to the 114 Request.


Given that this is the First Phase of responses to the 114 Request and more responses will be provided in a subsequent phase, IPA/IPSC will provide the certifications required by law once the response to the 114 Request is complete.

Please direct any questions or concerns about this First Phase Response to James A. Holtkamp, counsel to IPA/IPSC (contact information in Exhibit 3).

Sincerely,



James A. Hewlett  
General Manager  
Intermountain Power Agency  
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Jon A. Finlinson  
President and Chief Operating Officer  
Intermountain Power Service Corporation  
850 West Brush Wellman Road  
Delta, Utah 84624

cc: James A. Holtkamp

## **EXHIBIT 1**

### **OBJECTIONS**

**GENERAL OBJECTIONS:** IPA/IPSC generally objects to the 114 Request on the grounds that it is unduly burdensome, seeks confidential business information and may seek material protected by the attorney-client privilege and/or attorney work product doctrine. IPA/IPSC also objects to the 114 Request to the extent that the responses may require expert opinion testimony. IPA/IPSC will not produce documents protected by the attorney-client privilege or the attorney-work product doctrine and will only produce confidential and proprietary business information in accordance with the applicable federal regulations providing the appropriate protection for that information.

**SPECIFIC OBJECTIONS:** IPA/IPSC objects to the use of the term “date of startup” in Question No. 15 on the grounds that it is overbroad and vague. It is neither defined in Appendix A to the 114 Request nor in the Question in which the term is used. In responding to the 114 Request, IPA/IPSC has defined “date of startup” to mean date of commencement of commercial operation.

Question Nos. 1 through 6, 8 through 12, and 16 through 24 are overbroad because they seek information beyond the applicable statute of limitations.

Question Nos. 16, 17 and 18 are vague because the "coal-fired generation unit" definition in Appendix A to the 114 Request includes all ancillary equipment. This term is extremely broad and EPA has provided no real guidance as to how broadly or narrowly this term should be interpreted.

Question No. 17 is vague because the terms “construction permits” and “Intermountain Generation Station” are not defined in either Appendix A to the 114 Request nor in Question 17.

Question No. 19 is vague because there is no Attachment A” to the 114 Request. IPA/IPSC assumes that Question No. 19 refers to Table 1 in Question 23 and has responded accordingly. IPA/IPSC also objects to Question Nos. 19, 20 and 21 to the extent that they seek information protected by the work product doctrine and information regarding IPA/IPSC’s opinions, contentions, or conclusions that relate to facts or applications of law to facts. IPA/IPSC also objects to Question Nos. 19, 20 and 21 to the extent that the response requires expert opinion testimony.

**EXHIBIT 2**

**RESPONSES**

**EXHIBIT 3**

**CONTACT INFORMATION**

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